rs

Notice of Allowability The MAILING DATE of this communication appears on the cover sheet with the correspondence address. Art Unit		Application No.	Applicant(s)
Notice of Allowability Examiner Philip C. Tucker Art Unit Philip C. Tucker 1712			
Philip C. Tucker	Notice of Allowability		
The MAILING DATE of this communication appears on the cover sheet with the correspondence address- All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously misled), a Notice of Allowance (PTOL-85) or other appropriate communication will be malled in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to ②9/25. 2. ☑ The allowed claim(s) is/are 3.6.8.9.11-15.17.36-38 and 263-267. 3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* (c) ☒ None of the: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements needs below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ☐ (b) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ☐ (b) ☐ Including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ☐ (c) ☐ Paper No./Mail Date ☐ (d) ☐ Paper No./Mail Date	, control and y		
All claims being allowable, PROSECUTION ON THE MERTS IS (OR REMAINS) CLOSED in this application will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to 9/9/05. 2. ☑ The allowed claim(s) Is/are 3.6.8.9.11-15.17.36-38 and 263-267. 3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* or ☑ Mone of the: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: *Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a repty complying with the requirements noted below. Failure to timely comply will result in ABANIDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 2. ☐ Notice of References Cited (PTO-892) 3. ☐ Information Disclosure Statements (FTO-1449 or PTO/SB/08), Paper No./Mail Date Paper No./Mail Date Pap		Philip C. Tucker	1712
2. ☑ The allowed claim(s) is/are 3.6.8.9,11-15.17.36-38 and 263-267. 3. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☑ None of the: 1. ☑ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONNENT of this application. **THIS THREE-MONTH PERCOD IS NOT EXTENDABLE.** 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached ☐ Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding Review (PTO-948) 7. ☑ Examiner's Amendment/Comment Patent Application (PTO-152) 8. ☐ Interview Summary (PTO-413), Paper No./Mail Date Paper No./Mail Dat	All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R	(OR REMAINS) CLOSED in or other appropriate commits application is	n this application. If not included unication will be mailed in due course. THIS
3.	1. This communication is responsive to <u>9/9/05</u> .		
a) All b) Some* c) note of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received:	2. X The allowed claim(s) is/are 3,6,8,9,11-15,17,36-38 and 26	<u>3-267</u> .	•
2.		nder 35 U.S.C. § 119(a)-(d)	or (f).
3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received:	1. 🛛 Certified copies of the priority documents have	e been received.	
** Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.** 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) indicial such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. **Attachment(s)** 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date Paper No./Mail Date 2. Paper No./Mail Date Beaminer's Comment Regarding Requirement for Deposit of Biological Material 9. Other Philip C Tucker Primary Examiner	2. Certified copies of the priority documents have	e been received in Applicati	on No
* Certified copies not received:	3. Copies of the certified copies of the priority do	cuments have been receive	ed in this national stage application from the
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) hereto or 2) Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) including indical such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date Paper No./Mail Date 1. Paper No./Mail Date 2. Paper No./Mail Date 3. Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. Other Philip C Tucker Primary Examiner	International Bureau (PCT Rule 17.2(a)).	,	
noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date (b) ☐ including changes required by the Notice of STCR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding ReQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. ☐ Notice of References Cited (PTO-892) 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Interview Summary (PTO-413), Paper No./Mail Date 7. ☐ Examiner's Amendment/Comment Paper No./Mail Date Paper No./Mail Date Paper No./Mail Date Paper No./Mail Date Philip C Tucker Primary Examiner	* Certified copies not received:		
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5.	noted below. Failure to timely comply will result in ABANDONN		e a reply complying with the requirements
(a)			
1)	5. CORRECTED DRAWINGS (as "replacement sheets") must	st be submitted.	
(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4/1/05 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material Philip C Tucker Primary Examiner	(a) ☐ including changes required by the Notice of Draftspers	son's Patent Drawing Revie	w (PTO-948) attached
Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. □ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. □ Notice of References Cited (PTO-892) 2. □ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☑ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7. ☑ Examiner's Comment Regarding Requirement for Deposit of Biological Material 9. □ Other Philip C Tucker Primary Examiner.	1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date		
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d). 6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL. Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 7. Examiner's Amendment/Comment Patent Application (PTO-152) 8. Examiner's Amendment/Comment of Reasons for Allowance of Biological Material Philip C Tucker Primary Examiner	.,_	s Amendment / Comment o	or in the Office action of
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/9/05 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 7. Examiner's Statement of Reasons for Allowance of Biological Material			
 Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date	6. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT	sit of BIOLOGICAL MAT FOR THE DEPOSIT OF BI	ERIAL must be submitted. Note the OLOGICAL MATERIAL.
 Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date			
 Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date		•	
 Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date		,	
 Notice of References Cited (PTO-892) Notice of Draftperson's Patent Drawing Review (PTO-948) Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date			
 2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date		5. ☐ Notice of I	nformal Patent Application (PTO-152)
 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/9/05 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material 7. Examiner's Amendment/Comment 8. Examiner's Statement of Reasons for Allowance 9. Other Philip C Tucker Primary Examiner 	_ , ,	6. Interview S	Summary (PTO-413),
Paper No./Mail Date	3 X Information Disclosure Statements (PTO-1449 or PTO/SR/	Paper No 7 🖾 Examiner's	./Mail Date s Amendment/Comment
of Biological Material 9. ☐ Other Philip C Tucker Primary Examiner	Paper No./Mail Date <u>9/9/0</u> 5	•	
9.	4. ☐ Examiner's Comment Regarding Requirement for Deposit	8. ∐ Examiner's	s Statement of Reasons for Allowance
Primary Examiner	· _ · · · · · 0 · · · · · · · · · · · · · · · · · · ·	9. 🗌 Other	<u>_</u>
			Primary Examiner

Application/Control Number: 10/849,286

Art Unit: 1712

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Plese delete paragraph [0001] and insert therefor:

[0001] This application is a divisional of U.S. Patent Application No. 10/135,794 filed April 30, 2002, now U.S. Patent 6,739,414, and hereby incorporated herein by reference.

2. The following is an examiner's statement of reasons for allowance: The prior art although teaching well treatment compositions which comprise aphrons, fails to teach or suggest the current fluids which also comprise a lost circulation material containing hollow particles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 10/849,286

Art Unit: 1712

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C. Tucker whose telephone number is 571-272-1095. The examiner can normally be reached on Monday - Friday, Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip C Tucker Primary Examiner Art Unit 1712

PCT-3891